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15 *Attorneys for Plaintiff and*

16 *Collective Class Members*

17 **UNITED STATES DISTRICT COURT**  
18 **DISTRICT OF NEVADA**

19 ALBERTO DELARA, on behalf of himself and  
20 others similarly situated,

21 Plaintiff,

22 v.

23 DIAMOND RESORTS INTERNATIONAL  
24 MARKETING, INC.,

25 Defendant.

Case No. 2:19-cv-00022-APG-NJK

**STIPULATION AND ORDER  
EXTENDING THE DEADLINES  
FOR THE PARTIES TO FILE  
THEIR OPPOSITIONS TO  
MOTIONS FOR SUMMARY  
JUDGMENT AND THE  
DEADLINES FOR THE PARTIES  
TO FILE THEIR REPLIES**

**(FIRST REQUEST)**

Plaintiff Alberto Delara, on behalf of himself and others similarly situated, and Defendant Diamond Resorts International Marketing, Inc. (Plaintiff and Defendant are collectively referred to as “the Parties”), by and through their respective counsel, hereby submit this Stipulation and Order extending the deadlines for the Parties to file their oppositions to Motions for Summary Judgment by seven days and extending the deadlines to file their replies by a mutual, corresponding, seven days. Defendant filed its Motion for Summary Judgment or, in the Alternative, Partial Summary Judgment on July 30, 2021 (ECF No. 160). Plaintiff filed his Motion for Partial Summary Judgment on Defendant’s §207(i) Affirmative Defense on July 30, 2021 (ECF No. 163). Both Defendant’s Motion and Plaintiff’s Motion address the issue of whether Plaintiff and Collective Class Members are exempt under the retail or service establishment exemption contained in §207(i) of the Fair Labor Standards Act.

The parties’ oppositions to each parties’ respective Motions are due by August 20, 2021. Under the Local Rules, replies are due within 14 days of the responses in opposition.

This is the Parties’ first request to extend the deadlines for the Parties to file their oppositions and replies.

The Parties HEREBY STIPULATE AND AGREE as to the following:

1. On July 30, 2021, Defendant filed its Motion for Summary Judgment, or in the Alternative, Partial Summary Judgment (ECF No. 160) and Plaintiff’s opposition is due on or before August 20, 2021.

2. On July 30, 2021, Plaintiff filed his Motion for Partial Summary Judgment (ECF No. 163) and Defendant’s opposition is due on or before August 20, 2021.

3. One of Plaintiff’s counsel, Autumn Gentry, suffered a sudden and unexpected loss of an immediate family member on August 11, 2021, and has been out of the office since that time and will be out of the office through August 20, 2021, dealing with the loss of her family member and the necessary arrangements that are being made as a result of the death. Ms. Gentry was responsible for taking the lead role in drafting Plaintiff’s Motion for Partial Summary Judgment and is also taking the lead role in drafting the response in opposition to Defendant’s Motion for

1 Summary Judgment and the subsequent reply. Due to Ms. Gentry's current situation, it will cause  
2 an extreme hardship on her to work on the response in opposition during this time frame for filing  
3 on or before August 20, 2021. During the time period between August 11, 2021 and August 20,  
4 2021, Ms. Gentry will have limited access to emails and other communication with co-counsel and  
5 staff, and will not be in the office during this time frame to oversee the completion and filing of  
6 Plaintiff's opposition to Defendant's Motion for Summary Judgment.

7 4. Plaintiff's counsel has conferred with Defendant's counsel. In light of the  
8 circumstances, the Parties submit that good cause exists for a mutual, seven-day expansion of the  
9 briefing schedule and extension of the filing deadlines. Specifically, instead of filing their  
10 respective oppositions on or before August 20, 2021, the Parties would file their oppositions on or  
11 before August 27, 2021. Such extensions would necessarily extend the deadline for the filing of  
12 replies, which under the Local Rules, are due within 14 days of the oppositions.<sup>1</sup>

13 5. The requested extensions should not cause any material delay in these proceedings.

14 6. Based on the foregoing, the Parties stipulate that the Parties' oppositions to the  
15 Motions for Summary Judgment/Partial Summary Judgment shall be filed on or before August 27,  
16 2021 and the parties' replies to the oppositions shall be filed on or before September 10, 2021.

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18 IT IS SO STIPULATED this 16<sup>th</sup> day of August, 2021.  
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28 <sup>1</sup> Pursuant to Local Rule 7-2(b), replies are due 14 days after service of the responses.

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16 *Attorneys for Defendant*

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18 Based on the Parties' stipulations, and for good cause shown, it is hereby ORDERED that  
19 the parties' oppositions to the Motions for Summary Judgment/Partial Summary Judgment shall  
20 be filed on or before August 27, 2021 and the replies to oppositions shall be filed on or before  
21 September 10, 2021.

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23 IT IS SO ORDERED:

24   
ANDREW P. GORDON  
25 United States District Judge

26 DATED: August 17, 2021  
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